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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,405	08/14/2001	Tokio Shimura	01-189	7330

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EXAMINER

ZHENG, EVA Y

ART UNIT PAPER NUMBER

2634

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,405

Applicant(s)

SHIMURA ET AL.

Examiner

Eva Yi Zheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,7,8,10,11,13 and 14 is/are allowed.
- 6) ☒ Claim(s) 5,6,9,12,15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 4/5/05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation as rejected.

a) Applicant's argument – Regarding claim 5, lida fails to teach “a signal transmitter circuit”.

Examiner's response – lida teaches a driving device in response to a variation of power source voltage. The driving device, more specific, an electronic flash apparatus (shown in Fig. 1) constitute as a transmitter device. Therefore, lida meet the claim limitation.

b) Applicant's argument – Regarding claim 5, lida fails to teach “ON-period being increased as time passes.”

Examiner's response – lida depicts time vs. ON/OFF in Fig. 4C. It has shown that as time increases (move towards right of the graph) the length of ON increase as well. Therefore, lida meet the claim limitation.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 12, "data is transmitted responsive to receipt thereof" was not taught in specification and drawing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by lida et al. (US 4,652,108).

a) Regarding claim 5, lida et al. disclose a method of operating a signal transmitter having a battery (1 in Fig. 1) and a signal transmitter circuit (Fig. 1) operable with an output voltage of the battery, the method comprising the steps of:

generating a voltage boosting control signal (block 4 in Fig. 1) having an ON-period and an OFF-period at a first fixed frequency (inherent as low level signal; Col 2, L18-29), the ON-period being increased as time passes (as shown in Fig. 4C);

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generating a switching pulse (2 in Fig. 1) at a second fixed frequency higher than the first fixed frequency (inherent as high level signal; Col 2, L18-29) during ON-period of the voltage boosting control signal so that the switching pulse is generated at least once in each ON-period of the switching pulse; and

boosting the output voltage of the battery in response to the switching pulse so that the transmitter circuit is operated with the boosted output voltage (Col 2, L36-60).

b) Regarding claim 6, lida et al. disclose the method of operating a signal transmitter as in claim 5, wherein:

the ON-period is held uniform until the voltage boosting control signal is generated a predetermined number of times and being increased each time the voltage boosting control signal is generated another predetermined number of times following the predetermined number of times (Fig. 2A, 2B and 2C; Col 2, L36-60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over lida et al. (US 4,652,108).

Regarding claim 9, lida et al. disclose all the subject matters described above except for the specific teaching of the transmitting data is a radio signal, however, such

limitation is merely a matter of design choice and would have been obvious in the system of lida et al. lida et al. teach a flashing device comprises a battery, boosting circuit, and a trigger circuit. The current application discloses a transmitter device comprises a battery, boosting circuit and a transmitter. The type of signal transmitted is inconsequential for the invention as a whole and present no new or unexpected results, so long as the signal has been transmitted successfully. Therefore, to have a radio signal in lida et al. would have been matter of obvious design choice to one of ordinary skill in the art.

Allowable Subject Matter

8. Claims 1-4, 7-8, 10-11, and 13-14 are would be allowable.

9. The following is a statement of reasons for allowable subject matter:

None of the prior art teaches or suggests a signal transmitter comprise a battery; a voltage boosting control signal generating means, a voltage boosting means including a switching means for generating a switching operation through input of the voltage boosting control signal to conduct a voltage boosting operation to boost the output voltage of the battery to a predetermined voltage based on the switching signal and a transmitting means. A period of the voltage boosting control signal has a signal generation allowing period for allowing generation of the switching signal and a inhibiting period to inhibit generation of the switching signal, the signal generation allowing period is increased as time passes to increase a number of generation of the switching signal. The switching means generates the switching signal during the signal

generation allowing period and stops generation of the switching signal during the signal generation inhibiting period, and wherein the voltage boosting means boosts the output voltage of the battery to the predetermined voltage for every generation of the switching signal.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Y Zheng whose telephone number is 571 272-3049. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eva Yi Zheng
Examiner
Art Unit 2634

July 7, 2005



SHUWANG LIU
PRIMARY EXAMINER